

Resolution of Local Planning Panel

7 August 2019

Item 4

Development Application: 375 Glebe Point Road, Glebe - D/2018/1586

The Panel refused consent for Development Application No. D/2018/1586 for the following reasons subject to the following amendments to the reasons of refusal (additions shown in **bold italics** and deleted text shown in ~~strikethrough~~):

- (A) The development exceeds the height development standard prescribed under Clause 4.3 of Sydney Local Environmental Plan 2012 by 34%. ~~Based upon the material available at the time of determining this application,~~ The consent authority is not satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3), that compliance with the height development standard is unreasonable or unnecessary **having regard to the specific proposal** and that there are sufficient **environmental** planning grounds to justify contravening Clause 4.3 and as such the proposal is not considered to be in the public interest.
- (B) The development exceeds the floor space ratio development standard prescribed under Clause 4.4 of Sydney Local Environmental Plan 2012 by 37%. ~~Based upon the material available at the time of determining this application,~~ The consent authority is not satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3), that compliance with the floor space ratio development standard is unreasonable or unnecessary **having regard to the specific proposal** and that there are sufficient **environmental** planning grounds to justify contravening Clause 4.4 and as such the proposal is not considered to be in the public interest.
- (C) The proposal results in unsympathetic alterations and additions to a heritage item located within a conservation area. The proposal will adversely alter significant heritage fabric, elements and spaces, and will not enhance the character and heritage significance of the heritage item. The proposal therefore fails to comply with:
 - (i) Clause 1.2(k) expressed in the Aims of the Plan Sydney Local Environmental Plan 2012;
 - (ii) Clause 5.10 of Sydney Local Environmental Plan 2012;
 - (iii) Section 3.9(1) of Sydney Development Control Plan 2012; and

- (iv) Section 3.9(b) of Sydney Development Control Plan 2012.
- (D) The development results in a 4 storey building and exceeds the 2 storey height in storeys control, contrary to Section 4.2.1 of the Sydney Development Control Plan 2012.
- (E) The proposed development fails to demonstrate design excellence in accordance with Clause 6.21 of Sydney Local Environmental Plan 2012 as it results in adverse bulk, detrimental impacts on the heritage significance of the heritage item and the character of the conservation area, and adverse impacts on the amenity of neighbouring properties.
- (F) The proposal does not maintain or enhance visual privacy to neighbouring properties, and is therefore inconsistent with Aim 1.2(h) of Sydney Local Environmental Plan 2012 and the objectives of Section 4.2.3 of Sydney Development Control Plan 2012.
- (G) The proposed development fails to demonstrate adequate waste management for the residential and commercial uses and is contrary to Section 3.14 and Section 4.2.6 of Sydney Development Control Plan 2012.
- (H) The proposed development is not in keeping with the future desired character of the area and is not considered to be in the public interest.
- (I) Note: The Panel amended Reasons for Refusal (A) and (B) to make it clear that the inferior design quality of the proposal and related impacts has not allowed the Panel to form the view that the proposed exceedance of height and floor space ratio standards can be supported.

Carried unanimously.

D/2018/1586